

EXHIBIT M

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

23 KELVIN D. DANIEL, et al

24 Plaintiffs,

25 v.

26 SWIFT TRANSPORTATION
27 CORPORATION,

28 Defendant.

Case No. 2:11-cv-01548-PHX-ROS

**PLAINTIFF KELVIN D. DANIEL'S
SUPPLEMENTAL ANSWERS TO
DEFENDANT SWIFT
TRANSPORTATION CO. OF
ARIZONA, LLC'S FIRST SET OF
NON-UNIFORM INTERROGATORIES**

Assigned to: Hon. Roslyn O. Silver

GENERAL OBJECTIONS

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2 1. Plaintiff, Kelvin D. Daniel ("Daniel"), objects to Swift's "General
3 Instructions" and "Definitions" to the extent they purport to impose discovery obligations
4 that differ from or exceed the discovery obligations imposed by the Federal Rules of Civil
5 Procedure.
6

7 2. Daniel objects to the Interrogatories to the extent that they seek information
8 protected by the attorney-client privilege, the work-product privilege, or any other
9 privilege, protection, or immunity applicable under California and/or federal law.
10

11 3. Daniel objects to the Interrogatories to the extent that they are overly broad,
12 unduly burdensome, oppressive, and/or seek information that is not relevant to the issues
13 in this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.
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15 4. These General Objections are made, to the extent applicable, in response to
16 each of the Interrogatories as if the objections were fully set forth therein.

17 5. Daniel responds to each of the Interrogatories based upon information and
18 documentation available as of the date hereof and reserve the right to supplement and
19 amend his responses.
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INTERROGATORIES

Interrogatory No. 3: Regardless of whether the record has been expunged, canceled or annulled, have you ever been investigated, arrested, charged, convicted, imprisoned, placed on probation or parole or forfeited collateral for any criminal offense? If yes, describe all relevant circumstances, including the date, location, court, facts and final disposition concerning the matter.

Response:

- Misdemeanor reckless conduct; Case No. 1996CR1886 filed on 02/07/1996 in Clayton County, Georgia. Disposition: Guilty; fined \$250.00, 12 month probation and 40 hours of community service;
- Misdemeanor simple battery; Case No. 1998CR11607 filed on 10/5/1998 in Clayton County, Georgia. Disposition: Guilty; fined \$150.00, 12 month probation and 20 hours of community service.
 - **Supplemented Response:** This interrogatory sought a response as to whether Kelvin Daniel had been investigated, arrested, charged, convicted, imprisoned, placed on probation or paroled for a criminal offense. As part of the previously disclosed criminal offense (a further dispositional order), Kelvin Daniel violated his probation (for missing a probation appointment) and was consequently jailed for 3 months on a 6 month sentence.
- Misdemeanor public intoxication; case No. 2008TK22197 filed on 11/12/2008 in Clayton County, Georgia; Disposition: cash bond paid.

Interrogatory No. 11: Identify every employer for whom you have worked during the last 10 years, including the dates of employment, the positions held, including whether you were a commercial motor driver, and the location(s) at which you were employed.

Response:

Kelvin Daniel supplements his previous response to now include positions with contractors or subcontractors:

- 1 • **Pinkerton Securities**
2 **Two Campus Drive**
3 **Parsippany, New Jersey 07054-4400**
4 **1994-1996**
- 5 • **Canuck Industries, Inc.**
6 **Contractor**
7 **17313 Cook Road**
8 **Bow, Washington 98232-9781**
9 **1996-1998**
- 10 • **Airborne Express**
11 **Atlanta, Georgia**
12 **Courier**
13 **1996-1998**
- 14 • **Various subcontractors for DHL/Airborne**
15 **Atlanta, Georgia**
16 **2000-2007**
- 17 • **Priority One Courier**
18 **Contractor**
19 **Address unknown**
20 **2007**
- 21 • **COI**
22 **Address unknown**
23 **2007**
- 24 • **HFH**
25 **Address unknown**
26 **2008**
- 27 • **Labor Ready**
28 **Atlanta, Georgia**
Truck Driver/Laborer
01/02/2007-11/06/2010
- **IDI Delivery, LLC**
Contractor
5952 Wintergreen Rd
Norcross, Georgia 30093-3751
Driver/Helper
05/2010-12/2010

- 1
- 2 • **CR England**
- 3 **4701 West 2100 South**
- 4 **Salt Lake City, Utah 84120**
- 5 **Over the Road Driver**
- 6 **3/9/2011- 4/1/2012**
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- 8 • **Crete Carrier**
- 9 **400 NW 56th Street**
- 10 **Lincoln, Nebraska 68528**
- 11 **Over the Road Driver**
- 12 **04/2012 – Present**
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Respectfully Submitted,

STUMPHAUZER, O'TOOLE, MCLAUGHLIN,
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 31th, 2012, the original and one copy of the foregoing was served via U.S. Mail, Postage Pre-Paid to the following counsel of record:

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